

## UNITED STATES DISTRICT COURT

Middle District of Georgia

UNITED STATES OF AMERICA

V.

CARE ENVIRONMENTAL CORPORATION

## JUDGMENT IN A CRIMINAL CASE

Case Number: 7:23-CR-00034-HL-TQL(1)

USM Number:

WHEELER HAMILTON BRYANT

Defendant's Attorney

**THE DEFENDANT:**

- ☒ pleaded guilty to count(s) 1
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

**Title & Section / Nature of Offense**

42:6928(d)(2)(A) Illegal Storage of Hazardous Material

**Offense Ended**

11/12/2019

**Count**

1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 17, 2024

Date of Imposition of Judgment

s/ Hugh Lawson

Signature of Judge

HUGH LAWSON

SENIOR UNITED STATES DISTRICT JUDGE

Name and Title of Judge

01/25/2024

Date

DEFENDANT: CARE ENVIRONMENTAL CORPORATION  
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## PROBATION

You are hereby sentenced to probation for a term of: 5 years as to count 1

## CONDITIONS OF PROBATION

The Court may order the organization at its expense and the format and media specified by the Court, to publicize the nature of the offense committed, the fact of conviction, the nature of the punishment imposed, and the steps that will be taken to prevent the recurrence of similar offenses.

Within ninety (90) days of sentencing, the organization shall develop and submit to the Court, the U.S. Probation Office in the Middle District of Georgia, and to the Environmental Protection Agency, Criminal Investigation Division – Atlanta Field Office a written, effective compliance and ethics program consistent with USSG §8B2.1 (Effective Compliance and Ethics Program).

The organization shall include in its submission a schedule for implementation of the compliance and ethics program, which will include provisions addressing compliance with the applicable laws and regulations governing the generation, handling, storage, treatment, and disposal of all hazardous substances and wastes, including but not limited to, the Resource Conservation and Recovery Act and the Hazardous Material Transportation Act (HMTA), and addressing the training of employees regarding environmental and safety matters. The effective compliance and ethics program shall be subject to approval by the Court and the Environmental Protection Agency.

In particular, the effective compliance and ethics program must provide for the development, implementation, and enforcement of appropriate management practices to address the accumulation, handling, treatment, and disposal of wastes, pollutants, and hazardous materials and substances in connection with any of the organization's operations, in any state or jurisdiction.

These management practices include a written environmental plan for the identification of hazardous substances and waste streams, the proper method for storage, handling, and disposal of those substances and waste streams, and the identification of the person(s) responsible for the management of that material or waste.

Each appropriate employee will receive training on environmental compliance, and the organization shall maintain a record of the type of training provided to each employee and the frequency of such training.

The organization shall establish employee compliance with environmental policies and laws as a positive factor in all appropriate personnel evaluations and failure to comply with such policies and laws as a negative factor.

The organization shall designate an officer responsible for environmental matters and for implementing and overseeing the effective compliance and ethics program.

The organization shall file annual reports with the Court, the U.S. Attorney's Office, and a designated official with the Environmental Protection Agency, regarding the status of the program and all environmental audit results and reports conducted pursuant to the effective compliance and ethics program. The designated officer for the organization responsible for environmental matters and for the implementation and oversight of the effective compliance and ethics program shall review, sign, and submit the annual reports to the above-named parties.

The organization shall retain an outside, independent environmental consultant, subject to the approval of the Court and the Environmental Protection Agency, that will audit environmental practices at least once annually during the term of probation to determine compliance with the United States environmental laws and regulations and the terms of the effective compliance and ethics program. All environmental audit reports shall be provided not less than annually to the designated officer responsible for environmental matters and the implementation and oversight of the effective compliance and ethics program, and to the U.S. Probation Office, the U.S. Attorney's Office, and the designated official of the Environmental Protection Agency.

The effective compliance and ethics program shall remain under the supervision of the Court for the duration of the term of probation. The organization and the U.S. Attorney's Office may seek a hearing before the Court within ninety (90) days of receipt of the written effective compliance and ethics program in the event they are unable to reach agreement on program's content.

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### CONDITIONS OF PROBATION (continued)

The organization will assume all reasonable costs associated with the implementation, maintenance, and Court oversight of the effective compliance and ethics program.

Upon approval by the Court of the effective compliance and ethics program, the organization shall notify its employees and shareholders of its criminal behavior and its effective compliance and ethics program. Such notice shall be in a form prescribed by the Court.

The organization shall make periodic submissions to the Court or probation officer, at intervals specified by the Court, (A) reporting on the organization's financial condition and results of business operations, and accounting for the disposition of all funds received, and (B) reporting on the organization's progress in implementing the aforementioned effective compliance and ethics program. Among other things, reports under subparagraph (B) shall disclose any criminal prosecution, civil litigation, or administrative proceeding commenced against the organization, or any investigation or formal inquiry by government authorities of which the organization learned since its last report.

The organization shall notify the Court or probation officer immediately upon learning of (A) any material adverse change in its business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or an investigation or formal inquiry by governmental authorities regarding the organization.

The organization shall submit to: (A) a reasonable number of regular or unannounced examinations of its book and records at appropriate business premises by the probation officer or experts engaged by the Court; and (B) interrogation of knowledgeable individuals within the organization. Compensation to and costs of any experts engaged by the Court shall be paid by the organization.

The organization shall make periodic payments, as specified by the Court, in the following priority: (A) restitution; (B) fine; and (C) any other monetary sanction.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_  
USPO Officer's Signature \_\_\_\_\_

Date \_\_\_\_\_  
Date \_\_\_\_\_

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## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	\$400.00	\$134,215.98	\$50,000.00		

- ☐ The determination of restitution is deferred until \_\_\_\_\_ An *Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, MO 63197-9000

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> the interest requirement is waived for the | <input checked="" type="checkbox"/> fine | <input checked="" type="checkbox"/> restitution              |
| <input type="checkbox"/> the interest requirement for the                      | <input type="checkbox"/> fine            | <input type="checkbox"/> restitution is modified as follows: |

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub.L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or
- ☐ in accordance with ☐ C, ☐ D ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☒ Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$ \$3,693.00 over a period of 50 months (e.g., months or years), to commence 30 days (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Any criminal monetary penalty ordered by the court shall be due and payable in full immediately. Present and future Assets are subject to enforcement and may be included in the treasury offset program allowing qualified federal benefits to be applied to the balance of criminal monetary penalties.

Payment during the term of supervised release will commence within 60 days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time. (fine/restitution) payment shall be due during the period of imprisonment at the rate of not less than \$25 per quarter and pursuant to the bureau of prisons' financial responsibility program. The value of any future assets may be applied to offset the balance of criminal monetary penalties. The defendant may be included in the treasury offset program, allowing qualified benefits to be applied to offset the balance of any criminal monetary penalties.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
- Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.